

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON A SUPERVISED RELEASE REVOCATION HEARING**

TO: THE HONORABLE JAMES T. MOODY,
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF INDIANA

On January 21, 2020, the United States Government appeared by counsel Assistant United States Attorney Joseph Cooley. Defendant John Douglas Sutton appeared in person and by counsel Andrea E. Gambino and in the custody of the United States Marshal. United States Probation Officer Robert C. Bono appeared. The Supervised Release Revocation Hearing was held. The Court received evidence and comments.

Based upon the record of proceedings the Court makes this Report and Recommendation.

Defendant Jackson was initially sentenced in the District of Nebraska to, among other things, a term of supervised release subject to specified written terms and conditions. On August 28, 2017, Defendant Sutton's supervised release was transferred to this jurisdiction.

On September 18, 2019, the Government filed a petition alleging that Defendant violated the terms and conditions of supervised release [DE 20], and an arrest warrant was issued. On October 3, 2019, an Initial Appearance was held, at which time Defendant Sutton was detained.

On January 16, 2020, Judge James Moody issued an Order referring this case to the undersigned Magistrate Judge to conduct the Supervised Release Revocation Hearing, to recommend modification, revocation, or termination of the supervised release in this case, and to submit proposed findings and recommendations pursuant to 18 U.S.C. § 3401(i), 28 U.S.C. § 636(b)(1)(B), and N.D. Ind. Local Rule 72-1.

As a result of the January 21, 2020, Supervised Release Revocation Hearing, the undersigned Magistrate Judge **FINDS** that:

1. Defendant Sutton has been advised of his right to remain silent, his right to counsel, his right to be advised of the charges against him, his right to a contested Supervised Release Revocation Hearing, and his rights in connection with such a hearing;
2. Defendant Sutton understands the proceedings, allegations and his rights;
3. Defendant Sutton knowingly and voluntarily admitted that he committed the offenses of operating a vehicle while intoxicated and operating a vehicle while intoxicated endangering a person [DE 34];
4. These violations are Grade C violations, Defendant's criminal history category is III, and the suggested penalty is 5-11 months incarceration.

The undersigned Magistrate Judge **RECOMMENDS** to Judge James Moody that:

1. Defendant Sutton be adjudged to have committed a violation of his supervised release described in the January 16, 2020, Revised Report of Violations [DE 32];
2. The Agreed Disposition of Supervised Release Violation [DE 34] be accepted; and

3. Defendant Sutton be sentenced to time served as of January 21, 2020, and then continue on supervised release for a period of twenty-four months, under the conditions of supervision as described within the Revised Summary Report [DE 32].

The parties agreed to waive any objections to these Findings and Recommendation.

SO ORDERED this 21st day of January, 2020.

s/ John E. Martin
MAGISTRATE JUDGE JOHN E. MARTIN
UNITED STATES DISTRICT COURT

cc: All counsel of record
District Judge James Moody